

DISASTER ALERT



Employment Development Department

FLOOD ASSISTANCE JOB TRAINING PARTNERSHIP ACT

Number: FA97-20

Date: September 15, 1997

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TO: SELECTED FLOOD ASSISTANCE PROJECT
SERVICE DELIVERY AREA ADMINISTRATORS
CALIFORNIA CONSERVATION CORPS
LA COOPERATIVA CAMPESENA DE CALIFORNIA
NORTHERN CALIFORNIA INDIAN DEVELOPMENT COUNCIL

SUBJECT: CALTRANS WORK SITES REVIEW

<input checked="" type="checkbox"/> FOR YOUR INFORMATION	<input checked="" type="checkbox"/> FACSIMILE TRANSMITTED	<input type="checkbox"/> OVERNIGHT CARRIER DISTRIBUTION
<input type="checkbox"/> IMMEDIATE ACTION	<input checked="" type="checkbox"/> HARD COPY MAILED	<input type="checkbox"/> NUMBER OF PAGES INCLUDING COVER

As a precaution to recent concerns where supplantation issues were raised due to the referral of Temporary Job Creation (TJC) participants at Caltrans work sites, there is a need to initiate a separate review of the Flood Assistance 1997 Project to identify and correct (if applicable) any instance where a potential supplantation issue may be raised or can be perceived as an issue. Staff from the Employment Development Department's (EDD) Job Training Partnership Act (JTPA) contacting Project Operators to schedule reviews. Project Operators should gather facts, data, and information associated with the Caltrans work sites in preparation for these visits.

Although we provided you with information on the prohibition against supplantation relative to the Flood Assistance 1997 Project and you included prohibitions against supplantation in work site agreements (as well as communicated the subject in other ways), there are two areas where precaution must be taken in the employment of the TJC participants on Caltrans work sites. The two areas where caution is advised are as follows:

1. Work site where TJC participants are employed to augment work being performed at "contracted" job sites.

To avoid the supplantation issue or questionable perception, TJC participants should be working along side Caltrans employees only, not along side "contracted" employees. If the TJC participant work site happens to be in close proximity to a "contracted" job site, make sure that the participants are not performing a job (fulfilling a function) that should have been included as part of the "contracted" bid. Have Caltrans respond in writing to the question that if TJC participants had not been available, would the "contracted" bid have included the function our participants are performing, as a requirement? If the answer is yes, then clearly a supplantation issue could be raised.

2. Work site where TJC participants may supplant existing workers when Caltrans augments their existing Caltrans employee work crews with non-Caltrans workers.

Find out in cases where, if non-Caltrans workers were not available, would the work have been postponed due to budget constraints. A determination whether supplanting occurred could be dependent on the Caltrans District budget and the priority Caltrans assigned to the work. Project operators should confirm in writing with Caltrans whether or not the work being performed would have been undertaken if non-Caltrans workers were not available. If the work would have been performed without our program's help, then the supplantation issue could also be raised in this case.

If the above applies to any current work site, make sure that the participants are withdrawn from the work site immediately. Future work sites with Caltrans are on hold until further notice.

Please refer any questions regarding this matter to Luis Hermosillo at (916) 654-5416 or Laine Hendra-Aldrich at (916) 654-5595.

\S\ JIM CURTIS, Section Manager
Program Management Section